

DISCUSSION OF THE CLAIMS

Claims 1, 3-4, 6-8, 10, 12 and 14-15 are active in the present application. Claims 2, 5, 9, 11 and 13 are canceled claims. Claims 14 and 15 are new claims. Support for the new claims is found in chemical formulae (1)-(4) of the original specification. Independent Claims 1 and 4 are amended to recite the relations $a+b+c+d \geq 1$ and $e+f+g+h \geq 1$. Support for the amendment is found, for example, in the priority document of the present application in which the compound of formula (1) at paragraph [0009] has a formula in which a phthalocyanine compound must be substituted with at least one F atom and may optionally be substituted with F atoms at three different benzene rings. The degree of substitution on the three different benzene rings is represented by l, m and k which may be from 0 to 4 (see para. [0010] of the priority document). Further support is found in the description of, for example, mono-chlorogallium phthalocyanine compounds in, for example, Preparation Example 2 of the present specification (see for example para. [0433] of the pre-grant publication corresponding with the present application, i.e., US 2008/0268357).

The specification is amended to correct typographical errors. Support for the amendment is found in the published PCT application (WO 2005/085365) including page 5, paragraph [0020]; page 6, paragraph [0020]; page 5, paragraph [0020]; page 15, paragraph [0040]; page 17, paragraph [0047]; page 32, paragraph [0093]; page 93, Claim 1; page 94, Claim 4; page 93, Claim 1; and the abstract.

No new matter has been added.

REMARKS

The present independent claims recite a phthalocyanine composite that includes at least one phthalocyanine compound having a eutectic-crystalline structure. The preparation of such phthalocyanine composites is described in the examples of the present specification. The particular method of imparting a eutectic-crystallization structure to phthalocyanine composites is described, for example, in the paragraph bridging pages 65 and 66. Particular conditions for generating eutectic-crystallized structures including the use of particular solvents for recrystallization are described on pages 66-69.

Applicants submit the art of record, i.e., JP 06-212089 (JP '089), does not describe any phthalocyanine composite having the eutectic-crystalline structure of the phthalocyanine composite of the presently claimed invention.

Certain methods of preparing amorphous phthalocyanine composites are conventional and are known to those of skill in the art. In this regard, paragraphs [0076]-[0079] on pages 59-62 of the original specification disclose that it is known to use acid-paste treatment and mechanical mixing treatment such as grinding to form phthalocyanine materials having an *amorphous* crystal structure. Inspection of the examples of JP '089 shows that the cited art describes the preparation of phthalocyanine materials using conventional methods, i.e., methods which generate amorphous materials. For example, Example 1 describes subjecting a copper-phthalocyanine system to ball milling (see para. [0022] of JP '089) and/or forming an acid-paste therefrom (see para. [0023] of JP '089).

Example 2 of JP '089 describes treating a phthalocyanine-type material with dissolution in sulfuric acid. The acid-dissolution treatment of Example 2 is nowhere described as a process which may generate a phthalocyanine composite having a eutectic-crystalline structure.

As explained above, Applicants have described that a eutectic-crystalline structure may be imparted to a phthalocyanine composite by treatment with one of the solvents described in the present application. The phthalocyanine composite of the present claims is different from the phthalocyanine materials of the JP '089 references at least for the reason that the cited art fail to disclose materials which have a eutectic-crystalline structure.

It appears that the Office recognizes the differences in the preparatory method used to make the presently claimed phthalocyanine composite and the phthalocyanine materials of JP '089. For example, in the paragraph bridging pages 5 and 6 of the April 29 Office Action, the Office acknowledges that Applicants describe processes of treating a phthalocyanine composite that is dispersed or dissolved in a solvent and subjected to mechanical manipulation. Although the Office asserts that JP '089 discloses a similar process, Applicants point out that the JP '089 disclosure fails to describe a process of treating a phthalocyanine material with the particular solvent materials described by Applicants as a way to impart a eutectic-crystalline structure to a phthalocyanine material. The Office's assertion that the phthalocyanine materials of the cited art inherently have a eutectic-crystalline structure is unsupported by any factual evidence and ignores the difference in preparatory techniques described in the present application and those used to make the JP '089 compositions. As noted above, only the present specification describes that a eutectic-crystalline structure may be imparted to a phthalocyanine material by treatment with certain solvents.

For the reasons discussed above in detail, Applicants respectfully request withdrawal of the rejection and the allowance of all now-pending claims.

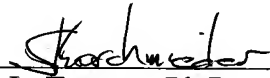
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/09)



Richard L. Treanor, Ph.D.
Registration No. 36,379

Stefan U. Koschmieder, Ph.D.
Registration No. 50,238
Attorneys of Record